

REMARKS

Claims 1-13 are now pending in the application. The abstract has been amended as requested by the Examiner. Claims 1, 6, 7 and 9 have been amended and in light of the amendments, all claims are believed to be in condition for allowance. Claims 11-13 have been withdrawn from consideration. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

ABSTRACT

The abstract stands objected to in accordance with MPEP §608.01(b). Applicants have amended the abstract in accordance with the Examiner's instruction. Therefore, reconsideration and withdrawal of this objection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 112

Claims 6, 7 and 9 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicants regard as the invention. This rejection is respectfully traversed.

Minor amendments have been made to claims 6, 7 and 9 to simply clarify the claimed subject matter and overcome the rejections under 35 U.S.C. §112, second paragraph. The Examiner is respectfully requested to reconsider and withdraw this rejection.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-10 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Calvert et al. (U.S. Pat. No. 5,411,464). This rejection is respectfully traversed.

Calvert et al. discloses an apparatus for erecting a folding-box blank with first retaining means 16, 17 and second retaining means 23, 24, but the first and second retaining means are clearly not arranged such that they grip the box walls on the same side, that is, a single side, of the folding-box blank. As can be seen in Figure 5 of Calvert et al., Calvert grips two box walls (walls "1" and "5"), but Calvert grips box walls on opposing sides of the given box. This opposite-side style box wall gripping is different from Applicants' claimed invention, which claims, in pertinent part of claim 1, "the first retaining means having means for gripping a first box wall and the second retaining means having means for gripping a second box wall, which is adjacent to the first box wall and which is located on the same side of the folding-box blank as the first box wall and which is swung relative to the first box wall into a partly erected state of the box, the second box wall and the first box wall being arranged in said state at an angle of approximately 90° to each other." (emphasis added) Therefore, Applicants' claim 1 is different from that disclosed by Calvert, et al.

Furthermore, Calvert specifically shows, in Figure 5, that only one box wall is gripped from a given side of a box. This is different from Applicants' claimed invention. Expanding upon this point, the Examiner states, "wherein the first and second retaining means can be arranged such that they grip box walls located on the same side of the folding-box blank (Fig. 5)." However, Calvert shows that Figure 5 has two suction cups on each side, but that the suction cups grip the same wall on the same side. This is

different from Applicants' claim 1, reiterating in part, "the first retaining means having means for gripping a first box wall and the second retaining means having means for gripping a second box wall, which is adjacent to the first box wall and which is located on the same side of the folding-box blank as the first box wall." Furthermore, even if Calvert's pair of suction cups could grip different walls on the same side of a box, Calvert's device is not capable of meeting the last portion of Applicants' claim 1, as discussed below.

Applicants' claim 1 contains additional subject matter believed by the Applicants to be allowable. Applicants' claim 1 further claims, in pertinent part, "and which is swung relative to the first box wall into a partly erected state of the box, the second box wall and the first box wall being arranged in said state at an angle of approximately 90° to each other." Calvert does not disclose this portion of Applicants' claimed subject matter. In fact, Calvert "teaches away" from Applicants' claim 1 insofar as Calvert discloses that box walls that are being gripped are parallel to each other (see Calvert, Figures 6, 7 and 8), and not ever perpendicular. Again, Calvert's disclosed device is incapable of achieving Applicants' claimed device.

The prior art references cited by the Examiner as art of record but not relied upon, do also not anticipate Applicants' claimed invention. None of these prior art references disclose first and second retaining means that grip the folding-box blank on the same side but grip two different box walls, and which walls are eventually (in the partly or total erected state) arranged at an angle of approximately 90° to each other.

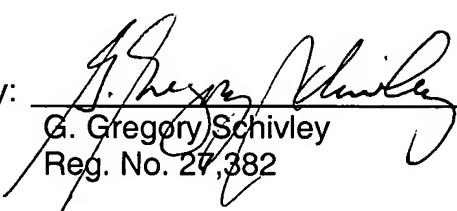
CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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